

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Johnson, T. Scott
DENNISON ASSOCIATES
133 Richmond Street West
Suite 301
TORONTO, ONTARIO M5H 2L7
CANADA

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

18.04.2005

Applicant's or agent's file reference
SJ-11817WO

IMPORTANT NOTIFICATION

International application No.
PCT/CA 03/01719

International filing date (day/month/year)
12.11.2003

Priority date (day/month/year)
15.11.2002

Applicant
LUPKE, Manfred, A. A.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Blouw, J

Tel. +31 70 340-4118



Rec'd PCT/PTO 12 MAY 2005

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 22 APR 2005

WIPO PCT



10/534747

Applicant's or agent's file reference SJ-11817WO		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/CA 03/01719	International filing date (day/month/year) 12.11.2003	Priority date (day/month/year) 15.11.2002	
International Patent Classification (IPC) or both national classification and IPC B29C47/12			
Applicant LUPKE, Manfred, A. A.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 7 sheets, including this cover sheet.
 - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 26.05.2004	Date of completion of this report 18.04.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Jensen, K Telephone No. +31 70 340-3433 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/CA 03/01719**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-7 as originally filed

Claims, Numbers

1-5 filed with telefax on 20.12.2004

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/CA 03/01719**

5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 1-5.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☒ the claims, or said claims Nos. 1-5 are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-12
Inventive step (IS)	Yes: Claims	
	No: Claims	1-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

**THE EMBODIMENTS OF THE INVENTION IN WHICH AN EXCLUSIVE
PROPERTY OR PRIVILEGE IS CLAIMED ARE DEFINED AS FOLLOWS:**

1. A molding system (1) including a plurality of mold
5 blocks (9) which move along a molding path to form double
wall plastic pipe having an outer wall with corrugations
which set outside diameter of the pipe and an inner wall
around a pipe bore through the pipe, each mold block
having profiled face which determines shape of the pipe,
10 said profiled face including a trough, a crest mounting
portion and a crest forming part characterized in that
said trough (13) and said crest mounting portion (12) are
formed in said mold block with said crest mounting
portion position inwardly of the trough (13) with said
15 crest mounting portion (12) detachably and selectively
receiving said crest forming parts (15,23) which are of
varying lengths for reconfiguring said profiled face
between a first and a second face profile to change both
depth of the corrugations and diameter of the bore,
20 through the pipe without varying external diameter of the
pipe.

2. A molding system as claimed in Claim 1
characterized by a vacuum channel located within the mold
25 block beneath the trough and the crest mounting portion
of the profiled face of the mold block.

3. A molding system as claimed in Claim 1
characterized by a cooling channel located within the
30 mold block beneath the trough and the crest mounting
portion of the profiled face of the mold block.

4. A molding system as claimed in Claim 1
characterized by a recess (10) in the trough and the
35 crest mounting portion of the profiled face of the mold
block and a clip (35) which hooks into the recess (10)

and which further hooks into a recess of the selected crest forming part (15, 23), the clip (35) further securing into of the trough and the crest forming portion of the profiled face at the crest mounting portion (12) by means of a mechanical securing member (41).

5. A molding system as claimed in Claim 1 characterized by a first cooling plug (11) which is used in the system when the crest forming part (15) is fitted to the crest mounting portion (12) and a second cooling plug (25) which is used in the system in replacement of the first cooling plug (11) when the crest forming part (23) is fitted to the mounting portion (12), the crest forming part (23) being longer than then crest forming part (15) and the cooling plug (25) being of smaller diameter than the cooling plug (11).

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/CA 03/01719**

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/CA 03/01719

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: DE-U-20009030

2. In respect of Article 34(2) PCT the following comments are made.

- 2.1 The amendments filed with the International Bureau under Article 34(2) introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT. The amendments concerned are the following: Claim 1, "crest mounting portion" and "said crest mounting portion position inwardly of the trough (13) with said crest mounting portion (12) detachably and selectively receiving said crest forming parts (15,23)". Claim 2, "vacuum channel located within the mold block beneath the trough and the crest mounting portion". Claim 3, "cooling channel located within the mold block beneath the trough and the crest mounting portion". Claim 4, "crest mounting portion" and "clip (35)".
- 2.2 The claims have been amended to incorporate wording which was not disclosed in the original filing, thus claims 1 - 4 all contravene Article 34(2)(b) PCT, as there is no basis in the description for these changes. Furthermore since claims 2 - 5 all depend on claim 1, they all incorporate the features of claim 1 and therefore they all contravene Article 34(2)(b) PCT.
- 2.3 As the amendments include added subject matter the content of paragraph 3 - 5 and 7 herein below has been drawn up in relation to the original set of claims filed, in accordance with Rule 66.1(a) PCT.
3. In respect of Article 6 PCT the following is observed.
 - 3.1 Although claims 1, 8 and 11 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought

or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

Hence, claims 1 - 12 do not meet the requirements of Article 6 PCT.

In order to overcome this objection, it would appear appropriate to file an amended set of claims defining the relevant subject-matter in terms of a single independent claim in each category followed by dependent claims covering features which are merely optional (Rule 6.4 PCT).

- 3.2 The imprecise statement in the description on page 7, par. 3 implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them (see also the PCT Guidelines, III-4.3a).
4. Under reference to paragraph 3 of this written opinion, independent claim 1 is considered in respect of Articles 33(2) and (3) herein below for the benefit of the procedure.
- 4.1 Document D1 is regarded as being the closest prior art in respect of the subject-matter of claim 1, the document discloses (the references in parentheses applying to this document) a moulding system including a plurality of mould blocks (9) which move along a moulding path to form double wall plastic pipe having an outer wall with corrugations which set outside diameter of the pipe corrugations and an inner wall around a bore through the pipe, said mould blocks (9) having profiled faces (11) which determine shape of the pipe, said profiled faces (11) being reconfigurable in profile between a first (23) and a second (25) face profile to vary both depth of the corrugations and diameter of the bore through the pipe without varying external diameter of the pipe.

Therefore the subject-matter of claim 1 lacks novelty, and claim 1 does not meet the requirements of Article 33(2) PCT.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/CA 03/01719

or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

Hence, claims 1 - 12 do not meet the requirements of Article 6 PCT.

In order to overcome this objection, it would appear appropriate to file an amended set of claims defining the relevant subject-matter in terms of a single independent claim in each category followed by dependent claims covering features which are merely optional (Rule 6.4 PCT).

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4. Under reference to paragraph 3 of this written opinion, independent claim 1 is considered in respect of Articles 33(2) and (3) herein below for the benefit of the procedure.

4.1 Document D1 is regarded as being the closest prior art in respect of the subject-matter of claim 1, the document discloses (the references in parentheses applying to this document) a moulding system including a plurality of mould blocks (9) which move along a moulding path to form double wall plastic pipe having an outer wall with corrugations which set outside diameter of the pipe corrugations and an inner wall around a bore through the pipe, said mould blocks (9) having profiled faces (11) which determine shape of the pipe, said profiled faces (11) being reconfigurable in profile between a first (23) and a second (25) face profile to vary both depth of the corrugations and diameter of the bore through the pipe without varying external diameter of the pipe.

Therefore the subject-matter of claim 1 lacks novelty, and claim 1 does not meet the requirements of Article 33(2) PCT.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/CA 03/01719

5. Dependent claims 2-12 do not seem to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty.
- 5.1 Replacing inserts for varying the diameter of the corrugated tube and maintaining the wall thickness, cf. claims 2 and 3, is known from document D1, cf. figures 5 and 6
- 5.2 Mould blocks having mounting surfaces for interchanging mould block face attachments or crests (23) and (25), cf. claim 4, are known from document D1, cf. figures 2, 5 and 6. Furthermore are crests (23) and (25) with differing height, cf. claim 5, also known from document D1, cf. page 4, lines 31-32 and figures 5 and 6.
- 5.3 A mould tunnel comprising cooling plugs having a diameter equivalent to the internal diameter of the desired corrugated tubes produced, cf. claims 6 and 7, is known from document D1, cf. figure 1.
- 5.4 The features of claims 8 - 12 are a mere summary of the features already claimed in claims 1 - 7 and known from document D1.

6. Certain published documents (Rule 70.10)

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
WO-A-03031155	17.04.2003	10.08.2002	29.09.2001

7. Claims 1 - 12 seem to fulfill the requirements of Article 33(4) PCT, with regard to industrial applicability.